

**The Department of Community Planning & Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission

**From:** Planning Division

**Date:** March 22, 2006

**Re: CONDITIONAL USE PERMIT (CUP): Cluster Commercial Development, 3311  
Old Forest Road.**

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**I. PETITIONER**

Glenn White and Associates, P.O. Box 246, Forest, VA 24551

**Representative:** Glenn D. White, Glenn White and Associates, P.O. Box 246, Forest, VA 24551

**II. LOCATION**

The subject property is a tract of approximately fifty-six hundredths (0.56) of an acre located at 3311 Old Forest Road.

**Property Owner:** Glenn White and Associates, P.O. Box 246, Forest, VA 24551

**III. PURPOSE**

The purpose of this petition is to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. CCD's are intended to provide for flexibility in the planning of certain tracts through the modification of certain lot, setback and use restrictions. The petitioner requires a cluster commercial development to meet lot and setback requirements to allow office buildings to be re-built and added to current building footprints from a previous development as well as to permit the sale of office condominiums without the required street frontage and lot dimension.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which recommends an Office use in this area.
- Petition agrees with the Zoning Ordinance in that a Cluster Commercial Development is permitted in a B-3, Community Business District, with approval of a CUP from City Council.
- The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will include nine thousand, seven hundred twelve (9,712) square feet of office space. Common use parking will also be provided for the entire development.

**The Planning Division recommends approval of the conditional use permit petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Office use in this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four stories.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-3, Community Business District zoning was established in 1978 with the adoption of the *Zoning Ordinance*.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
  - 6/9/1998: City Council approved Atlantic Star Communications' petition to rezone approximately one half (1/2) acre from B-3, Community Business District, to B-5c, General Business District (conditional), to allow the construction of a radio transmission tower at 3305 Old Forest Road.
  - 1/9/1996: City Council approved Sylvia Hobson's CUP petition to amend a previously approved child care facility CUP to allow forty-five (45) children per shift to a maximum of sixty (60) children per shift at 3208 Forest Brook Road.
  - 4/12/1994: City Council approved Clyde and Beth Bondurant's CUP petition to operate a child care facility for thirty five (35) children within an existing house at 3208 Forest Brook Road.
  - 12/8/1992: City Council approved Donald Ozmar's CUP petition to operate a dance club in an existing twelve hundred (1200) seat building and allow for a parking expansion for one hundred ninety-four (194) cars at 3217 Old Forest Road.
  - 6/13/1989: City Council approved Creeper Crawler Cribbery's CUP petition to allow the construction of an additional building, play area and parking at 3601 Old Forest Road and 104 King Drive.
  - 2/12/1980: City Council approved L.B. Wimmer's CUP petition to allow operation of the Family Amusement Center in Forest Plaza West Shopping Center at 3225 Old Forest Road.
5. **Site Description.** The subject property includes two (2) existing buildings (one (1) previously damaged by fire) and associated parking. The site is bounded to the north by apartments, to the east and south east by commercial businesses, to the south and southwest by corporate offices (Framatome) and to the northwest by a commercial automobile dealership (Lynchburg Mitsubishi).
6. **Proposed Use of Property.** The purpose of the conditional use permit is to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will include nine thousand, seven hundred twelve (9,712) square feet of office space. The buildings will be bricked and have maintenance-free exterior. Operations of the property such as trash collection, snow removal, basic cleaning of common areas and landscape management will be contracted through the Condominium Association. The Condominium By-Laws & Restrictions will identify and insure the future maintenance, management and concept of this property.

Cluster Commercial Developments are intended to provide for flexibility in the planning of certain tracts through the modification of certain lot, setback and use restrictions.

Developments under these regulations should provide for increased amenity, safety and other public and private benefits, as well as reduced public and private costs. These districts are also generally characterized by a unified or planned clustering of development served by a common parking area with common means of ingress and egress. The petitioner requires a cluster

commercial development to meet lot and setback requirements to allow office buildings to be re-built and added to current building footprints from a previous development as well as to permit the sale of office condominiums without the required street frontage and lot dimension.

Common use parking will be provided for the entire development. The petitioner proposes to replace the existing pine trees at the corner of the property with shade trees. In addition, the petitioner will also add shade trees within the parking area and along the perimeter of the property; foundation plantings will be added around the new units. Sidewalks are provided to all common areas.

7. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set based on offices for business, banking, professional and similar uses as defined by Chapter 35.1-25 of the City's Zoning Ordinance. This use requires one (1) parking space per three hundred (300) square feet of floor area; the proposed nine thousand, seven hundred twelve (9,712) square feet of office space of office space will require thirty-three (33) parking spaces. The site plan indicates that thirty-seven (37) parking spaces will be provided for the development, thus meeting the requirement of City Code.

8. **Storm Water Management.** New impervious areas will not exceed one thousand (1,000) square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the proposed foundation plantings and parking lot landscaping will provide new low maintenance greenspace which will result in slightly less runoff an improved stormwater quality benefit from the site.
9. **Emergency Services.** The City's Fire Marshal had no comments on the Conditional Use Permit application for the proposed development.

The City Police Department had no comments on the proposed development.

10. **Impact.** The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will provide a combined nine thousand, seven hundred twelve (9,712) square feet of office space. The design and layout of the buildings are acceptable to the Planning Division.

The petitioner proposes to significantly improve the amenities and aesthetics of the current site in accordance with the intent of the Cluster Commercial Development. The site plan indicates that the existing pine trees at the corner of the property will be replaced with shade trees. In addition, the petitioner will also add shade trees within the parking area and along the perimeter of the property; foundation plantings will be added around the new units. Sidewalks are provided to all common areas of the site.

New impervious areas will not exceed one thousand (1,000) square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the proposed foundation plantings and parking lot landscaping will provide new low maintenance greenspace which will result in slightly less runoff an improved stormwater quality benefit from the site.

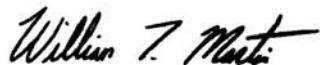
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on February 28, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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## **VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Glenn White & Associates' petition for a Conditional Use Permit (CUP) at 3311 Old Forest Road to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums, subject to the following conditions:**

- 1. Property will be developed in substantial compliance with the Conditional Use Permit Plan for 3311 Old Forest Road, received by Community Planning & Development on March 16, 2006.**
- 2. Shade trees will be provided at the end caps of each parking row, within the existing planting and mulch areas. Location, size and type of trees will be subject to the review of the City Planner and Urban Forester.**
- 3. All lighting will be glare-shielded and non-directional so as to prevent illumination across the property line.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Mr. J. Lee Newland, Director of Engineering  
Capt. Michael L. Thomas, Fire Marshal  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. J.P. Stokes, Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mrs. Erin B. Hawkins, Environmental Planner  
Mr. Glenn D. White, Glenn White and Associates

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)

**3. Site Plan**

(see attached site plans)

**4. Project Narrative and Building Elevations**

(see attached narrative)